

REMARKS

Claims 1, 4-6, 8-10, 15, 16, 18, 19, 28-31, 35-38, 42 and 43 are all the claims pending in the application. Claim 37 is allowed; claims 8 and 18 are withdrawn from consideration; claims 1, 10, 30 and 31 are rejected; claims 4-6, 9, 15, 16, 19, 28, 29, 35, 36, 38, 42 and 43 are objected to.

Upon entry of this amendment, claims 1, 4-5, 9-10, 15, 19, 28-29, 35-38, 42 and 43 will be pending in the application.

No new matter has been added. Entry of the Amendment is respectfully requested.

I. Election/Restrictions

At page 2 of the Office Action, the Examiner notes that the application was examined based on the elected species of Example 1, wherein for formula (I), D is 1H-pyrazol-1-yl, B is 1,4-phenylene, X is -NH-CO- and A is as defined in the claims. Based on this examination, art was found and applied against the claims, and in view of the amendments to the claims made by Applicants in the Amendment and Supplemental Amendment filed October 4, 2004 and December 16, 2004, respectively, the rejection was overcome.

The search was then expanded to compounds of formula (I) where D is 1H-pyrazol-3-yl, and the remainder of the elements were unchanged. The Examiner states that art was found that may be applied against the claims.

Included herewith are amendments to the claims, limiting the claims to the subject matter indicated by the Examiner to be free of prior art, namely, wherein for formula (I), D is 1H-pyrazol-1-yl, B is 1,4-phenylene, X is -NH-CO- and A is as defined in the claims.

II. Rejection of Claims Under 35 U.S.C. §102

A. At page 4 of the Office Action, claims 1, 10, 30 and 31 are rejected under 35 U.S.C. §102(b) as being anticipated by Cacchi et al. (1997).

The Examiner states that the cited claims are anticipated by the compound RN 197093-26-8 of the cited document, as set forth in the CALPUS Abstract.

As indicated above, the claims have been limited to those compounds of formula (I) where D is 1H-pyrazol-1-yl. As the compound of Cacchi et al. is a 1H-pyrazol-3-yl compound, it does not teach or suggest the compounds as recited in the claims as amended herein.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

B. At page 4 of the Office Action, claims 1, 10, 30 and 31 are rejected under 35 U.S.C. §102(b) as being anticipated by Sykulski et al. (1979).

The Examiner states that the cited claims are anticipated by the compound RN 70958-31-5 of the cited document, as set forth in the CALPUS Abstract.

As indicated above, the claims have been limited to those compounds of formula (I) where D is 1H-pyrazol-1-yl. As the compound of Sykulski et al. is a 1H-pyrazol-3-yl compound, it does not teach or suggest the compounds as recited in the claims as amended herein.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

III. Allowable Subject Matter

At the bottom of page 4 of the Office Action, the Examiner notes that several of the claims would be allowable if rewritten to limit them to the examined subject matter indicated

above, i.e., where D is 1H-pyrazol-1-yl, B is 1,4-phenylene, X is -NH-CO- and A is as defined in the claims.

As the pending claims have been amended to recite only those compounds where D is 1H-pyrazol-1-yl, B is 1,4-phenylene, X is -NH-CO- and A is as defined in the claims, Applicants respectfully assert that each of the claims as amended herein is free of prior art and thus allowable.

IV. Potential Interference

At page 5 of the Office Action, the Examiner states that while U.S. Patent No. 6,140,509 is not a competent reference against the claims of the instant application, the patent claims compounds structurally analogous to the claims of the instant application.

During a telephonic interview with the Examiner on March 10, 2005, Applicants inquired as to whether the claims of the instant application would be anticipated or rendered obvious by the claims of U.S. 6,140,509 if they were limited to those compounds where element D is pyrazol-1-yl or pyrazol-5-yl.

In response, the Examiner stated that because the claims of U.S. 6,140,509 were limited to those compounds having a pyrazol-3-yl group attached to a carboxyamido group via a 1,3-phenylene, claims to compounds having either a pyrazol-1-yl group or a pyrazol-5-yl group attached to a carboxyamido group via a 1,4-phenylene or a thiophene-2,5-diyl group would not be anticipated or rendered obvious by the claims of U.S. 6,140,509.

As the claims have been amended herein such that they only encompass those compounds where D is pyrazol-1-yl, Applicants respectfully contend that the compounds

presently being claimed are patentably distinct from the claim of U.S. Patent No. 6,140,509, and thus no issue of an interference should arise.

Applicants thank the Examiner for the courtesy shown during the interview.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

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